

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SUSAN SCINDO,	:	Civil Action No. 1:08-CV-1332
Plaintiff	:	
	:	(Chief Judge Kane)
v.	:	
	:	
DANA SIMPSON, et al.,	:	
Defendants	:	

MEMORANDUM

Susan Scindo, at all relevant times, an inmate at the Monroe County Correctional Facility, filed this civil rights action on July 15, 2008. (Doc. No. 1.) On August 5, 2008, Defendants Keenhold, Slashinski, Nothstein, Asure, McCool, Monroe County, and Monroe County Prison Board filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), as well as a brief in support of the motion. (Doc. Nos. 10, 11.) Plaintiff has failed to file a brief in opposition to the motion as required by Local Rule 7.6. Accordingly, the motion is presently unopposed.

A dispositive motion may generally not be granted merely because it is unopposed, see Anchorage Ass'n. v. Virgin Islands Bd. of Tax Review, 922 F.2d 168, 174 (3d Cir. 1990). However, the Third Circuit has held that, consistent with local rules of court, a motion to dismiss may be granted without a merits analysis "if a party fails to comply with the rule after a specific direction to comply from the court." Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991). Plaintiff will be afforded additional time to respond to the motion to dismiss as provided

in Local Rule 7.6. **Failure to respond by the specified date will result in the motion being granted without a merits analysis.**

An appropriate order will follow.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SUSAN SCINDO, Plaintiff	:	Civil Action No. 1:08-CV-1332
	:	
	:	(Chief Judge Kane)
v.	:	
	:	
DANA SIMPSON, et al., Defendants	:	
	:	

ORDER

AND NOW, this 3rd day of September 2008, for the reasons set forth in the accompanying memorandum, **IT IS HEREBY ORDERED THAT:**

- 1 In accordance with Local Rule 7.6, Plaintiff is **DIRECTED** to file a brief in opposition to Defendants' motion to dismiss (Doc. No. 10) on or before September 15, 2008.

2. Failure to file a brief in opposition to the motion will result in the motion being deemed unopposed and an order granting the motion to dismiss without a merits analysis and dismissing the action against Defendants Keenhold, Slashinski, Nothstein, Asure, McCool, Monroe County, and Monroe County Prison Board.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania